

PLANNING COMMISSION AGENDA
CITY OF NEWPORT BEACH
COUNCIL CHAMBERS - 3300 NEWPORT BOULEVARD
Thursday, July 7, 2011
Regular Meeting – 6:30 p.m.

CHARLES UNSWORTH
Vice Chair
FRED AMERI
ROBERT HAWKINS
BRADLEY HILLGREN
KORY KRAMER
JAY MYERS
MICHAEL TOERGE

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

KIMBERLY BRANDT, Community Development Director

JAMES CAMPBELL, Principal Planner

LEONIE MULVIHILL, Assistant City Attorney

GREGG RAMIREZ, Senior Planner

TONY BRINE, City Traffic Engineer

ERIN STEFFEN, Planning Technician

FERN NUENO, Assistant Planner

JAVIER S. GARCIA, Senior Planner

MAKANA NOVA, Assistant Planner

MARLENE BURNS, Administrative Assistant

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. Staff reports or other written documentation have been prepared for each item of business listed on the agenda. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200. The agendas, minutes and staff reports are also available on the City's web site at: <http://www.newportbeachca.gov>.

This committee is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally either three (3) or five (5) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

NEWPORT BEACH PLANNING COMMISSION AGENDA
Council Chambers – 3300 Newport Boulevard
Thursday, July 7, 2011
REGULAR MEETING
6:30 p.m.

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. ELECTION OF OFFICERS

The Commission will elect officers to serve for the year.

E. PUBLIC COMMENTS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three minutes. Before speaking, please state your name for the record and print your name on the tablet provided at the podium.

F. REQUEST FOR CONTINUANCES

G. CONSENT ITEMS

ITEM NO. 1 Minutes of June 23, 2011

ACTION: Approve and file.

H. PUBLIC HEARING ITEMS

ALL TESTIMONY GIVEN BEFORE THE PLANNING COMMISSION IS RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE MINUTES ON ALL ITEMS. (Red light signifies when three minutes are up; yellow light signifies that the speaker has one minute left for summation.) Please print only your name on the pad that is provided at the podium.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Community Development Department, Planning Division located at 3300 Newport Boulevard, during normal business hours.

ITEM NO. 2 Pemstein Residence Minor Use Permit and Variance (PA2010-173)
2430 Holiday Road

SUMMARY: A minor use permit to allow for the retention of an as-built second dwelling unit to be converted to a senior accessory dwelling (granny) unit and a related variance to allow for the construction of a garage addition to encroach 2 feet into the required 10-foot easterly side setback. The application also includes a request for variance approval to retain ten (10) as-built over-height structures located within required setbacks including: four (4) arbors, four (4) walls, a free-standing fireplace and a storage shed.

CEQA

COMPLIANCE: The project is categorically exempt under Section 15303, of the CEQA Guidelines - Class 3 (New Construction or Conversion of Small Structures). The scope of the work is limited to a garage addition and conversion and alterations of an existing structure to accommodate a granny unit. Also, included in the request is to retain several accessory structures including arbors, walls, a fireplace, and storage building.

If denied, the project is not subject to CEQA review, pursuant to Section 15270 of the CEQA Guidelines.

- ACTION:**
- 1) Conduct public hearing; and
 - 2) Adopt a resolution approving Minor Use Permit No. UP2010-040 for the granny unit and denying Variance No. VA2011-005 for the construction or retention of all setback encroachments.

ITEM NO. 3 Whitacre Residence Appeal - (PA2010-105)
101 15th Street

SUMMARY: An appeal of the Zoning Administrator's approval of Use Permit No. UP2010-021 and Modification Permit No. MD2010-027, which allowed an addition to a nonconforming structure. The Use Permit would allow for an addition of up to 75 percent of the existing gross floor area and alterations of up to 75 percent of the existing structural elements of the nonconforming structures. The Use Permit would not allow a demolition and rebuild of the existing structures, only alteration of up to 75 percent of the structural elements. The Modification Permit would allow for encroachments into the rear and side setbacks. The site is developed with two (2) commercial structures adjacent to 15th Street and a residential structure to the rear. The applicant proposes an addition to the existing residence and the addition of a new dwelling unit above the commercial structures. Four-car parking is proposed to satisfy the residential parking requirements.

CEQA COMPLIANCE: If upheld and approved, then this project is exempt from CEQA, pursuant to Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, which exempts minor alterations to existing facilities that involve negligible expansion of the use, including the addition of a new residential unit.

If reversed and denied, then the project is not subject to CEQA review, pursuant to Section 15270 of the CEQA Guidelines.

- ACTION:**
- 1) Conduct public hearing; and
 - 2) Uphold or reverse the decision of the Zoning Administrator and adopt Resolution No. ___ for Use Permit No. UP2010-021 and Modification Permit No. MD2010-027.

ITEM NO. 4 Nero Property Amendment, 15th Street (PA2011-061)
105 15th Street

SUMMARY: The property owner is seeking to continue the existing nonconforming commercial uses of the subject property by requesting the following amendments:

- 1) General Plan Land Use designation from Two-Unit Residential (RT) to Mixed-Use Horizontal 4 (MU-H4),
- 2) Coastal Land Use Plan designation from Two-Unit Residential (RT-D) to Mixed-Use Horizontal (MU-H), and
- 3) Zoning designation from Two-Unit Residential (R-2) to the Mixed-Use Cannery Village and 15th Street (MU-CV/15th ST).

No new land use or development is proposed at this time.

CEQA COMPLIANCE: The proposed amendments are exempt since they do not entail any significant alteration to the subject property and will bring the General Plan Land Use, Coastal

Land Use, and Zoning District designations consistent with the present use of the subject property. The site is presently developed and no development is proposed at this time, however, future development of the existing property and structures would be categorically exempt under Section 15302 of the California Environmental Quality Act Guidelines – Class 2 (Replacement or Reconstruction).

If denied: the project is not subject to CEQA review, pursuant to Section 15270 of the CEQA Guidelines.

- ACTION:**
- 1) Conduct public hearing; and
 - 2) Adopt Resolution No. ____ recommending the City Council:
 - Approve General Plan Amendment No. GP2011-004; and
 - Approve Local Coastal Plan Amendment No. LC2011-003; and
 - Approve Code Amendment No. CA2011-007.

ITEM NO. 5 Restaurant Conditional Use Permit (PA2011-062)
111 Palm Street

SUMMARY: A conditional use permit to allow an eating and drinking establishment with late hours, an outdoor dining patio, a second floor office area, and a Type 47 (On-Sale General) alcoholic beverage license. Conditional use permit approval is also necessary to reduce the required parking spaces through the approval of a parking management program because the subject property does not provide on-site parking.

CEQA COMPLIANCE: The project is categorically exempt under Section 15301, of the CEQA - Class 1 (Existing Facilities). The Class 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use.

The proposed project involves the reestablishment of a restaurant with an accessory outdoor dining patio and office within an existing structure. Therefore, the interior use, outdoor dining patio, and office qualify for a categorical exemption under Class 1.

If denied, the project is not subject to CEQA review, pursuant to Section 15270 of the CEQA Guidelines.

- ACTION:**
- 1) Conduct a public hearing; and
 - 2) Approve Use Permit No. UP2011-012 with a closing hour of 12:00 midnight for the interior of the establishment and 10:00 p.m. for the outdoor dining patio, subject to the findings and conditions of approval in the draft resolution.

I. NEW BUSINESS

J. STAFF AND COMMISSIONER ITEMS

ITEM NO. 6 Community Development Director's report.

ITEM NO. 7 Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

ITEM NO. 8 Request for excused absences.

ADJOURNMENT